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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,420	09/26/2003	Ilse Mitterreiter	080437-52250US	5731

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EXAMINER
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REZA, MOHAMMAD W

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/670,420	<b>Applicant(s)</b> MITTERREITER ET AL.	
	<b>Examiner</b> Mohammad W. Reza	<b>Art Unit</b> 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/26/03</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-13 are presented for examination.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In these claims applicants mention " A

method.....for which **a non-automatic log-in is performed** by transmitting to said external information system **a subscriber identification, an associated password and a station identification**, said method comprising: **activating automatic log-in.....the subscriber identification without the password**, the station identification and the code" which is generally narrative and indefinite with the invention. Applicants do not point out clearly which options include in the present invention because in the preamble it includes " **...a non-automatic log-in is performed.....an associated password..**" then in the body of the claim it includes "**...activating automatic log-in..... without the**

password...". It is conflicting to each other. The office will interpret these limitations with the regarding claims as best understood for applying the appropriate art for rejection purposes.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Falk et al hereafter Falk (US patent 5668876).
4. As per claim 1, Barton discloses a method comprising: activating automatic log-in for a particular subscriber identification by, transmitting a request from the subscriber station to the external information system (col. 1, lines 5-8, col. 2, lines 6-13); establishing a secret code for the particular subscriber identification in the external information system and transmitting the secret code in a hidden manner to the subscriber station; storing the secret code in a hidden manner in the subscriber station (col. 2, lines 14-21); and implementing an automatic log-in of the subscriber station into the external information system by said subscriber station transmitting to the external information system in a hidden manner the subscriber identification without the password, the station identification and the code (col. 3, lines 44-67, col. 8, lines 41-58).

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5. As per claim 2, Barton discloses the method comprising: performing a non-automatic log-in of the subscriber station into the external information system by transmitting the subscriber identification, the pertaining password and the station identification to the external information system; and transmitting a request in the logged-in condition (col. 1, lines 5-8, col. 2, lines 6-13, and col. 2, lines 14-21).

6. As per claim 3, Barton discloses the method wherein the subscriber station is situated in a motor vehicle and communicates with the external information system by way of a radio communications network (col. 1, lines 27-38).

7. As per claim 4, Barton discloses the method wherein the station identification contains a vehicle-specific parameter (abstract).

8. As per claim 5, Barton discloses the method wherein a single code is established for each station identification (col. 2, lines 6-21).

9. As per claim 6, Barton discloses the method wherein during activation of the automatic log-in in the external information system, an input is established in a subscriber list for a corresponding subscriber identification with the station identification and the pertaining code for the automatic log-in (col. 2, lines 6-21).

10. As per claim 7, Barton discloses the method wherein the external information system has a list of permissible subscriber identifications for each respective station identification (col. 3, lines 44-67).

11. As per claim 8, Barton discloses the method wherein during a log-in request of the subscriber station, the external information system transmits the list of permissible

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subscriber identifications and visually indicates the list at the subscriber station (col. 4, lines 1-31).

12. As per claim 9, Barton discloses the method wherein a cancel request for the subscriber identification is provided which deactivates the automatic log-in for a particular used subscriber station (col. 4, lines 1-31).

13. As per claim 10, Barton discloses the method wherein a cancel request for the subscriber identification is provided which deactivates the automatic log-in for each subscriber station (col. 3, lines 44-67).

14. As per claim 11, Barton discloses the method wherein the secret code has a sequence of characters that are defined within a predetermined value range (col. 4, Lines 46-60).

15. As per claim 12, Barton discloses the method wherein the secret code is generated by a random process in the external information system (col. 4, Lines 46-60).

16. As per claim 13, Barton discloses the method wherein during an attempted automatic log-in, including transmission of an incorrect code to the external information system, the automatic log-in for each subscriber station is deactivated (col. 4, lines 62-67, col. 5, lines 1-7).

### ***Conclusion***

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad w. Reza whose telephone number is 571-272-6590. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MOAZZAMI NASSER G can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad Wasim Reza

AU 2136

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11/01/06